

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006 - KW

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Suzanne A. Hutton

AGENDA ITEM WORDING:

Approval to rescind *Resolution No. 328a-2005* and approval of a resolution ratifying *Modification #3* to the Community Development Block Grant (CDBG) Agreement between the Department of Community Affairs and Monroe County implementing a twelve-month extension to October 8, 2006 for sewer connection assistance for Monroe County.

ITEM BACKGROUND:

On 9/28/05 the Board approved *Resolution No. 328a-2005* modifying the CDBG Grant Agreement with DCA implementing a 6-month extension to April 8, 2006. *Modification #3* was not successfully processed by DCA prior to the end date of the preceding Agreement which was October 8, 2005.

On 11/30/05 Mayor McCoy forwarded a request to DCA requesting the contract be reinstated and an executed revised *Modification #3* reflecting a twelve-month extension to October 8, 2006.

On December 1, 2005, the DCA returned correspondence to Mayor McCoy approving the request for reinstatement and enclosed an executed copy of *Modification #3* extending the CDBG Agreement to October 8, 2006.

PREVIOUS RELEVANT BOCC ACTION:

On 9/28/05 *Resolution No. 328a-2005* was approved by the Board.

On 11/30/05 Mayor McCoy requested reinstatement of the CDBG Agreement and executed revised *Modification #3* extending the CDBG Agreement between DCA and the County for twelve months to October 8, 2006.

CONTRACT/AGREEMENT CHANGES:

Changing *Modification #3* from a six-month extension (April 8, 2006) to a twelve-month extension (October 8, 2006).

STAFF RECOMMENDATIONS:

Approval to rescind *Resolution No. 328a-2005* and approval of a Resolution approving *Modification #3* extending the CDBG Agreement to October 8, 2006.

TOTAL COST:

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION: _____ **AGENDA ITEM #** _____

Revised 2/05

RESOLUTION NO. _____ - 2006

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 328a-2005 AND APPROVING MODIFICATION #3 AMENDING THE AWARDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT AGREEMENT.

WHEREAS, on March 19, 2003 the Monroe County Board of County Commissioners (BOCC) granted approval of accepting the 2002 Community Development Block Grant (CDBG) Agreement offered by the Department of Community Affairs (DCA); and

WHEREAS, also during the March 19, 2003 BOCC meeting, the BOCC approved the reallocating of the CDBG Housing Rehabilitation Work Activity funding in the amount of \$150,000 to the CDBG Sewer Hook-up Work Activity funding; and

WHEREAS, DCA executed the Contract Agreement #03DB-1A-11-54-01-H32, for \$750,000 on April 9, 2003; and

WHEREAS, on February 18, 2004, the BOCC approved Amendment #1 to the Contract Agreement reflecting this allocation; and

WHEREAS, on February 16, 2005, the BOCC approved Amendment #2 to the Contract Agreement for a six-month extension revising the expiration date of the Agreement to October 8, 2005; and

WHEREAS, on September 28, 2005, the BOCC approved Resolution No. 328a-2005 approving Modification #3 for a six-month extension revising the expiration date of the Agreement to April 8, 2006; and

WHEREAS, the modification was not successfully processed timely to provide for the extension, on November 30, 2005 Mayor McCoy requested reinstatement of the CDBG Agreement and executed a revised Modification #3 for a twelve-month extension revising the expiration date of the Agreement to October 8, 2006; and

WHEREAS, on December 13, 2005, DCA executed the revised Modification #3 (Attachment A) extending the CDBG Agreement expiration date to October 8, 2006 and forwarded approval of reinstatement and the new Agreement termination date of October 8, 2006 under cover letter to Mayor McCoy received December 23, 2005; now, therefore

that: ~~BE~~ IT RESOLVED BY the Board of County Commissioners of Monroe County, Florida,

Section 1. Resolution No. 328a-2005 is hereby rescinded.

Section 2. Modification #3 for a twelve-month extension revising the expiration date of the CDBG Agreement to October 8, 2006 is hereby approved.

Section 3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board this 19th day of April, 2006.

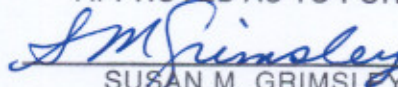
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

Attest: Danny L. Kolhage

By: _____
Mayor/Chairman

By: _____
Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY

4-7-06

**MODIFICATION # 3 TO GRANT AGREEMENT BETWEEN
THE DEPARTMENT OF COMMUNITY AFFAIRS
AND THE COUNTY OF MONROE**

This Modification is made and entered into by and between the State of Florida, Department of Community Affairs, ("the Department"), and the County of Monroe, ("Recipient"), to modify DCA Contract Number 03DB-1A-11-54-01-H32 ("the Agreement").

WHEREAS, the Department and the Recipient entered into the Agreement, pursuant to which the Department provided a subgrant of \$750,000.00 to Recipient under the Small Cities Community Development Block Grant ("CDBG") Program as set forth in the Agreement; and

WHEREAS, the Agreement has expired, and the Recipient has requested that the contract be reinstated and the contract period extended; and

WHEREAS, the Department and the Recipient desire to modify the Agreement by modifying Attachment B, Activity Work Plan section thereunder.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated as though it had not expired.
2. Paragraph 3 of the Agreement is hereby revised to reflect an expiration date for the Agreement of October 8, 2006
3. The Attachment B, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment B, Activity Work Plan, which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the last execution of this Modification by both parties.
4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out herein.

DEPARTMENT OF COMMUNITY AFFAIRS

By: [Signature]
Name: Janice Browning, Division Director
Kimball Love Housing and Community Development
DATE: 12.13.05

RECIPIENT: [Signature]
BY: [Signature]
Name: Charles "Sonny" McCoy
Title: Mayor, County of Monroe
DATE: 11/30/05

Attachment B

ACTIVITY WORK PLAN

RECIPIENT MONROE COUNTYDATE PREPARED October 17, 2005 (Revised)CONTRACT NO. 03DB-1A-11-54-01-H32ACTIVITY BUDGET \$112,500

(for this activity only)

Activity		Number of Proposed Beneficiaries for this activity only			Proposed Activity Units	
Name <u>Administration</u> Number <u>013</u> Service Area # <u>N/A</u>		LMI	VLI	Total	<u>100</u> No. of Units	Housing Units H.U. Type of Units
Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be Submitted by "Date End"			# Units to be Completed by "Date End"	Proposed \$\$ to be Requested by "Date End"
		Submit Request for Release of Funds & Environmental Conditions				
		Submit documentation to clear Special Condition Numbers <u>All</u>				
05/03	06/03	Administrative Quarterly Reimbursements				\$5,000.00
07/03	09/03	Administrative Quarterly Reimbursements				\$3,381.00
10/03	12/03	Administrative Quarterly Reimbursements				\$7,732.00
01/04	03/04	Administrative Quarterly Reimbursements				\$5,932.00
04/04	06/04	Administrative Quarterly Reimbursements				\$8,749.00
07/04	09/04	Administrative Quarterly Reimbursements				\$5,974.00
10/04	12/04	Administrative Quarterly Reimbursements				\$15,400.00
01/05	03/05	Administrative Quarterly Reimbursements				\$15,400.00
04/05	12/05	Administrative Quarterly Reimbursements				\$15,400.00
01/06	05/06	Administrative Quarterly Reimbursements				\$15,400.00
08/06	10/06	Administrative Quarterly Reimbursements				\$14,132.00
10/06	10/06	Submit Administrative Closeout				

ACTIVITY BUDGET TOTAL \$ 112,500
(must equal Activity Budget in the heading of this form)

ACTIVITY WORK PLAN

RECIPIENT **MONROE COUNTY**

DATE PREPARED **October 17, 2005 (Revised)**

CONTRACT NO. **03DB-1A-11-54-01-H32**

ACTIVITY BUDGET **\$637,500**

(for this activity only)

Activity		Number of Proposed Beneficiaries for this activity only			Proposed Activity Units	
Name <u>Sewer Connections</u> Number <u>09(a)</u> Service Area # <u>N/A</u>		<u>50</u> LMI	<u>50</u> VLI	<u>100</u> Total	<u>100</u> No. of Units	<u>H.U.</u> Type of Units
Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be Submitted by "Date End"			# Units to be Completed by "Date End"	Proposed \$\$ to be Requested by "Date End"
		Submit Request for Release of Funds & Environmental Conditions				
		Submit documentation to clear Special Condition Numbers <u>ALL</u>				
07/03	09/03	Sewer Connections (0%)			0	
10/03	12/03	Sewer Connections (0%)			0	
01/04	03/04	Sewer Connections (0%)			0	
04/04	06/04	Sewer Connections (0%)			0	
07/04	09/04	Sewer Connections (0%)			0	
10/04	12/04	Sewer Connections (0%)			0	
01/05	03/05	Sewer Connections (20%)			20	\$127,500.00
04/05	12/05	Sewer Connections (50%)			50	\$191,250.00
01/06	05/06	Sewer Connections (80%)			80	\$191,250.00
06/06	10/06	Sewer Connections (100%)			100	\$127,500.00
10/06	10/06	Submit Administrative Closeout				

ACTIVITY BUDGET TOTAL \$ 637,500
(must equal Activity Budget in the heading of this form)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

DEC 23 2005

FILE

The Honorable Charles "Sonny" McCoy
Mayor, Monroe County
530 Whitehead Street, Suite 102
Key West, Florida 33040

Re: Contract Number 03DB-1A-11-54-01-H32 - Modification Number 3

Dear Mayor McCoy:

Your letter received December 1, 2005 requesting a reinstatement, extension and a revision to the current Activity Work Plans has been reviewed. The review indicates that the requested changes are acceptable and are approved. As you are aware, this grant Agreement was originally executed on April 9, 2003, and I must strongly emphasize that it is imperative that Monroe County proceed expeditiously and complete this project within the new time period.

The enclosed modification reflects a new Agreement termination date of October 8, 2006. This modification, along with your request and revised Activity Work Plans, has been made part of the approved Agreement. Should you have questions, please call Mark Nixon at 850/922-1880.

Sincerely,

Kimball Love, Director
Housing and Community Development

KL/cm

Enclosures

Cc: Thomas J. Willi, County Administrator
Lee Ann Broadbent, Acting CDO/SPO Director, MCHA

2665 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2665 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

DEC 27 2005



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
Dixie M. Spehar, District 1
David P. Rice, District 4

Charles "Sonny" McCoy
Mayor
530 Whitehead Street
Key West, Florida 33040
305-292-3430
FAX: 305-292-3577
E-Mail: BOCCDIS3@monroecounty-fl.com

Mark Nixon, Community Assistance Consultant
Florida Department of Community Affairs
Bureau of Community Development
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399

November 30, 2005

Re: Contract Agreement, County of Monroe, Community Development Block
Grant (CDBG) Contract Agreement #03DB-1A-11-54-01-H32.

Subject: Amendment Three

Dear Mr. Nixon:

The revised attached Amendment and Activity Work Plans reflecting a twelve-month extension request is being resubmitted to include a request to reopen and reinstate the contract. The revised Amendment has been approved and is being forwarded to your office for approval.

The revision of this Amendment for the contract to be reopened and reinstated was necessary because the prior amendment submission was not successfully processed by the Department prior to the end date of the contract. The reinstatement and extension of time is necessary to be able to complete the much needed sewer connection assistance program for Monroe County. The CDBG sewer program has made considerable progress and continues to move forward.

This Amendment does not reduce the number of intended beneficiaries, accomplishments or scoring points from the original contract. The Amendment does not affect the Environmental Review Record.

The County of Monroe appreciates the technical assistance and continued support you have provided for our Community Development Block Grant program.

Sincerely,

Charles "Sonny" McCoy
Mayor, Monroe County, Florida

Co: Thomas J. Willi, County Administrator
J. Manuel Castillo, Sr., Executive Director, MCHA
Lee Ann Broadbent, Acting CDO/SPO Director, MCHA

RECEIVED
2005 DEC -1 PM 1:15
CDBG